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UNCLAS SECTION 01 OF 04 MEXICO 002948

SIPDIS

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E.O. 12958: N/A

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SUBJECT: STATE LEVEL TEACHERS UNIONS PROTEST EDUCATION

REFORM AGREEMENT

REF: (A) MEXICO 2877 (B) MEXICO 1540

1. Summary: In recent weeks there has been growing discontent among the state level Locals of the National Teachers Union (SNTE) against the Alliance for Quality Education agreement signed this past May between the GOM and the union's national leadership (Ref B). The discontent has resulted in protests marches, strikes that have closed schools for extended periods and increasingly large demonstrations in nearly half of Mexico's 31 states. The dissident groups within the SNTE Locals assert that they are protesting against an agreement imposed on them by the union's national leadership and the GOM without their consent. In addition, the dissidents claim they are seeking to defend such legitimate labor rights as the right to freely determine the leadership of their state level Locals. These noble assertions notwithstanding, numerous press reports site the GOM, the SNTE national leadership and even statements by the dissidents themselves which indicate that the protestors are really seeking to undo the provisions of the Alliance for Quality Education (ACE) that would require prospective teachers to take an entrance examine for hiring and promotions (Ref A) and which would prohibit current teachers from selling their positions or passing them on as an inheritance. The longest running and most intense protests are taking place in the state of Morelos. The protests in Morelos have been going on for over six weeks and the dissidents there are insisting that the state government unilaterally reject implementation of the ACE. Both Morelos, governor and the GOM's Secretary of Education have rejected the idea that a state can legally withdraw from an agreement that is now a part of the national education system. End Summary.

#### THE DOWNSIDE OF EDUCATION REFORM

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2. On May 15, 2008 the Mexican government's Secretary of Public Education (SEP) and Mexico's National Teachers Union (SNTE) launched an agreement to reform the country's system of public school education (Ref B). The goal of the agreement, called the Alliance for Quality Education (ACE), was to improve the level of Mexican public education by, among other things, investing in school infrastructure, enhancing teacher skills, and using a competitive public exam when hiring and promoting teachers. Although there were some reservations expressed about the agreement, in general it was roundly hailed as a significant step forward in improving the poor state of public school education in Mexico. Most of the

reservations about the agreement centered on whether the country,s large (estimated at 1.5 million members) and powerful National Teachers, Union and its leader, Elba Ester Gordillo, would live up to their end of the terms of the accord.

13. In looking at the various elements of the ACE the SNTE,s willingness to begin using competitive public exams in a timely fashion for hiring new teachers was viewed as a real test of the union,s commitment to the reform agreement. To their credit, Gordillo and the SNTE leadership worked cooperatively with the Secretary of Education to develop and organize the administration of a public exam and then, as promised, arranged for nearly 90,000 people to take it before the start of the 2008-2009 school year. This was the first such exam of its type ever administered in Mexico and both the SNTE and SEP were pleased that its development proceeded with few if any problems. Alas, the sense of accomplishment over the new exam was short-lived and soon replaced by something akin to mild astonishment.

14. Once the results of the exam were in both the SEP and the SNTE were unpleasantly surprised to see that nearly two-thirds of the over 71,000 prospective teachers who took the exam had failed (Ref A). Not only that, but an additional 17,648 previously hired but as yet untenured teachers also took the exam and all but 7,150 of them failed the test as well. The SEP, with the concurrence or at least the acquiescence of the SNTE national leadership, declared that there would be no make-up test for perspective teachers who failed the exam. That said, the SEP indicated that those who failed the exam this year would be welcomed to take it again next year. Moreover, the SEP is planning to institute

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a training program that will allow currently employed teachers to upgrade their job knowledge and skills. This training would presumably be for the hired but untenured teachers who failed the exam.

#### MORE UNEXPECTED PROBLEMS FOR EDUCATION REFORM

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15. In addition to the problem of having massive numbers of prospective and untenured teachers fail their hiring exam the SNTE national leadership and SEP are now facing another explosive problem related to the ACE. This problem has its roots in the fact that the SNTE, in addition to being the single largest union in Mexico, is also viewed as one of the country,s more corrupt labor organizations. One of the many criticisms leveled at Gordillo and the union,s national leadership is that they have over politicized the SNTE and done nothing to halt, much less reverse, blatant corruption in the union. For the SNTE, its critics claim, educating Mexico,s youth is always a low ranked item on its list of priorities.

16. The SNTE has been accused of such things as buying and selling teaching positions, misuse of union funds, demanding sexual favors in order to be hired or tenured to mention just some of its alleged transgressions. No objective observer could deny that the SNTE is a very political union but, to be fair, it was a highly politicized organization before Gordillo and the current national leadership rose to power. It would probably be more accurate to say that the current national leadership adroitly took full advantage of a pre-existing situation to amass considerable wealth and political power. The most insidious of the disreputable practices engaged in by the SNTE at virtually all levels of the organization is the selling of teaching positions.

17. The selling of teaching positions is so pervasive within the SNTE that teachers throughout Mexico have come to believe that it is their undisputed labor right to sell their (taxpayer funded) appointments or pass them on to family

members as some sort of inheritance. Under the terms of the ACE the practice of selling teaching positions would come to a sudden and definitive halt since job openings at any level would now have to be refilled via the public exam process that the SEP and SNTE national leadership agreed to. The realization that teaching positions would no longer be the property of the current occupant to dispose of as he/she saw fit has sparked growing discontent and increasingly serious protests by the SNTE,s state level Locals across Mexico.

#### COUNTRYWIDE PROTEST BUT MORELOS IS THE WORST

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18. Once currently employed teachers grasped that the ACE would prohibit them from disposing of their positions as they saw fit state level SNTE Locals began to loudly express their total opposition to the agreement. This opposition has resulted in protests marches, school closing strikes and increasingly large demonstrations across the country in nearly half of Mexico,s 31 states. The worst protests have been in the central Mexican states of Morelos and Guerrero but there have also been serious and ongoing demonstrations and acts of civil disobedience by teachers in the states of Chiapas, Tlaxcala, Mexico State, Puebla, Guanajuato, Michoacan, Baja California, Oaxaca, Durango, Quintana Roo, Zacatecas and others. These protests and demonstrations have been in defiance of the ongoing efforts of the SNTE national leadership who have repeatedly made clear their strong support for the ACE.

19. According to the dissidents within the SNTE Locals they are protesting the implementation of the ACE in defense of what they say are legitimate labor rights. The Locals claim (probably correctly) that they were not consulted by the SNTE leadership before the union entered into the educational reform agreement with the SEP. They assert that an agreement as far reaching as the ACE should have been discussed with the entire SNTE membership. The dissidents also aver that they are protesting in order to be able to choose their own state level leaders rather than have senior level union officials imposed upon them by the national leadership. The

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complaint about Gordillo and her supporters in the national leadership imposing senior union officials on the state level Local organizations is probably a valid grievance. That said, these impositions are not new occurrences in the SNTE and up until now they have not been offensive enough to the state Local to spark nationwide protests within the National Teachers Union.

110. Leaving aside for the moment the validity of the two complaints by the dissidents within the SNTE,s Local offices, few in Mexico are prepared to take their high-minded assertions at face value. According to the GOM, the SNTE national leadership and even numerous statements by the dissidents themselves, the real aim of the protestors appears to be to undo the provisions of the ACE that require prospective teachers to take an entrance examine for hiring and which prohibits current teachers from selling their positions or passing them on as an inheritance. A basic demand of the dissidents is that the ACE be completely revoked. Both the SEP and various state governments have been negotiating with the dissidents in an attempt to address their concerns and end the strikes which have closed public schools for weeks now across Mexico. Thus far the SEP has held firm on one point. Specifically the SEP has stated that teaching positions are funded with the taxes of all Mexican citizens and as such they are not and never have been the property of either the current teachers or the SNTE at any level to dispose of as they see fit.

#### MORELOS AND GUERRERO ARE AT THE FRONTLINES OF THE FIGHT

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¶11. As previously noted the longest running and most confrontational protests are occurring in the states of Morelos and, to a lesser degree, Guerrero. The dissidents in these two states have been the most insistent on the revocation of the ACE. They are also the once most strongly wedded to the view that they have a non-negotiable &labor right8 to sell or otherwise dispose of the teaching positions they currently occupy in any way that they see fit. In the case of Morelos the dissidents there are demanding that the state,s governor unilaterally withdraw from the ACE.

¶12. In his discussion with the dissidents Morelos, governor, Marco Adame Castillo, has been held firmly to the SEP view that taxpayer funded teaching positions are under the control of the GOM and are not the personal property of any individual or non-governmental organization. The governor has received the full support of the SEP and the SNTE national leadership in his dealings with the dissident teachers in the union Locals. Governor Adame Castillo has also made clear his view that neither he nor any other state governor has the authority to unilaterally withdraw from an agreement (like the ACE) that is legally established as a part of the country,s national education system.

¶13. In Guerrero the dissident teachers have not pushed as ardently for the state to withdraw from the ACE but like their fellow protesters in Morelos they have effectively closed the state,s public school system for at least six weeks. The dissident teachers in Guerrero, like the ones in Morelos, have staged increasingly large demonstrations and have repeatedly occupied state and even federal office building to express their displeasure with the ACE. Thus far the only other state to experience a level of civil unrest among unionized teachers somewhat comparable to what is happening in Morelos and Guerrero is the far southern state of Quintana Roo. In order to calm the situation there the state government offered to pay any retiring teacher the sum of 120,000 pesos (approximately USD 12,000). In effect the state government of Quintana Roo was offering to buy back from the teachers the positions they currently occupy. Initially the Quintana Roo dissidents agreed to accept the state government,s offer but then inexplicably withdrew from the agreement.

COMMENT

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¶14. At this point it is unclear how long the SNTE dissidents will continue to hold out for the revocation of the ACE.

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Thus far there is no indication that either the SEP or the SNTE national leadership are prepared to negotiate the ultimate disposition of teaching positions. Most of the governors where protests against the ACE are occurring have held firm to the SEP position that state governments do not have the authority to withdraw from an agreement that is, for all practical purposes, legally a part of the national education system. There is no indication that either the dissidents within the SNTE state locals or the GOM, supported by various state governments and the union,s national leadership are in any way prepared to back away or significantly modify their publicly stated positions. This means that there is no immediately visible resolution to the disagreement over the ACE and that public schools in numerous states throughout Mexico will remain closed. If press commentary is any indication it appears as if public opinion in Mexico is firmly with the SEP and against the dissidents. It remains to be seen how long the dissidents can hold up against the GOM, their own (probably corrupt) national union leadership and the increasing displeasure of the Mexican general public.

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